



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION

Meeting Minutes for February 8, 2001

Members in Attendance:

Mark P. Smith	Designee, EOE A
Marilyn Contreas	Designee, DHCD
Mike Gildesgame	Designee, DEM
Glenn Haas	Designee, DEP
Lee Corte-Real	Designee, DFA
Mark Tisa	Designee, DFWELE
Joe Pelczarski	Designee, CZM
Richard Butler	Public Member
Gary Clayton	Public Member
David Rich	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Linda Marler	DEM
Michele Drury	DEM
Lorraine Downey	MWRA
Vicki Gartland	DEM
Jackie Murphy	EOEA
Steve Garabedian	USGS
Pamela Harvey	DEP
Lou Wagner	MAS
Duane Levangie	DEP
Joan Sozio	Foxborough Water Commission
Leo Potter	Foxborough Water Commission
Robert Bell	Earth Tech
Eileen Simonson	WSCAC
Art Bergeron	
Carl Leone	MWRA

Agenda Item #1: Executive Director's Report

- Smith mentioned that a CSO summit was being planned by Senator Kerry's office.
- He referred the Commission to an article in the Patriot Ledger concerning the Bluestone project
- EOE A has announced new funding for the Lakes and ponds program.

Marler provided an update on the hydrologic conditions:

Agenda Item #2: Vote on the Minutes of October 2000

V O T E	Clayton moved, with a second by Butler to approve the October 2000 meeting minutes.
	The vote was unanimous of those present.

Agenda Item #6: Update on the Implications of the recent US Supreme Court Ruling on Wetlands (Taken out of Turn)

Harvey stated that the US Supreme Court had ruled that the ACOE's assertion of jurisdiction over uses of intrastate waters that interfered with the interstate migration of birds was improper. It is still too early to say what this means exactly. Massachusetts' wetlands law is broadly written, so we will be less affected. It appears from the decision that although the Supreme Court was troubled by giving the ACOE this jurisdiction, it might not be troubled by states taking this jurisdiction.

Agenda Item #3: Vote to Accept Foxborough's Interbasin Transfer Application as Complete

Drury reminded the WRC that the application was received on July 27, 2000. Foxborough has land area in the Ten Mile River basin, the Neponset River basin and the Taunton River basin. Foxborough is applying for permission to transfer water from the proposed Witch Pond Wells, to be developed within town, in the Ten Mile River basin. The wells have an approved capacity of 1.4 million gallons per day (mgd). Water from these wells will be used within the town of Foxborough and discharged as wastewater to the Mansfield regional wastewater treatment plant in the town of Norton, in the Taunton River basin. The Interbasin Transfer Act is triggered because water from this source crosses a town line and a basin line. The WRC approved an Interbasin Transfer Act request from the Town of Mansfield on June 8, 2000, for the Morrison Well, which is downstream of this site.

The application has been reviewed by DEM's Office of Water Resources, DEP's Office of Watershed Management and Southeast Regional Office, DFWELE's Divisions of Fisheries and Wildlife, and Marine Fisheries, Natural Heritage and Riverways Programs, and the Ten Mile River Basin Team Leader according to the Interbasin Transfer Regulations 313 CMR 4.04(5) and the Interbasin Transfer Act Performance Standards adopted by the WRC in August 1999 to assure that all required information has been provided.

Additional information was requested from the town in October 2000. This information was provided on December 27, 2000 and January 25, 2001. Therefore, Staff is recommending that the Water Resources Commission accept this application as complete. By accepting the application as complete, the WRC is not passing judgment on the project, but enabling Staff to begin the technical review and public hearing process. Once the Commission has accepted the application as complete, two public hearings will be scheduled, one in the donor basin and one in the receiving basin, as required by 313 CMR 4.06. An additional hearing to take public comment

on the staff recommendation will also be scheduled. The Commission will have sixty (60) days from the close of this final public hearing to make a decision on the application.

V O T E	Haas moved with a second by Corte-Real to accept Foxborough's IBT application as complete. The vote was unanimous of those present.
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Agenda Item #4: Discussion – Policy for Developing Water Needs Forecasts for Public Water Suppliers

Gildesgame and Langley stated that this policy is intended to provide guidance to communities and public water suppliers seeking to increase the amount of water they currently withdraw from ground and surface supplies under the Water Management Act (WMA). Because the quality of information from communities varies, three categories have been determined:

Group A: Public water suppliers that have an existing Water Management Act Permit

In order for DEM/OWR to process a request for a new water needs forecast, the following conditions must be in place, or be substantially met:

1. The public water supplier must provide the following information for at least the last three years:
 - (a) Water use information based on actual metering;
 - (b) A break down of water use at least into residential, non-residential and unaccounted-for categories; and
 - (c) An accurate estimate of service population, both year-round and seasonal.
 2. Based on the information in #1:
 - (a) Unaccounted-for water must not exceed 15% of the total system water use;
 - (b) Residential gallons per capita day (gpcd) must not exceed 80.
 3. The water supplier must have completed a Water Conservation Plan questionnaire.
 4. The water supplier must demonstrate that all water conservation/system efficiency conditions, and other conditions, of the existing WMA permit have been met. DEP will confirm that the conditions are met or substantially complied with, or an approved plan is in place to meet the conditions in a reasonable and specified time.
- The forecast will be brought to the Commission for review and approval.

Group B: Public water suppliers who do not have a Water Management Act permit

In order for DEM/OWR to process a request for a water needs forecast, the following conditions must be in place, or substantially met:

1. The water supplier must provide the following information for at least the last three years:
 - (a) Water use data based on actual metering;
 - (b) A break down of water use at least into residential, non-residential and unaccounted-for categories.
 - (c) An accurate estimate of service population, both year-round and seasonal.
 - (d) An accurate estimate of unaccounted-for water in the system.
 - (e) An accurate estimate of residential gallons per capita per day (gpcd).

2. The water supplier must have completed a Water Conservation Plan questionnaire.
The forecast will be brought to the Commission for review and approval.

Group C: Public water suppliers who do not meet the criteria for Group A or Group B

For public water suppliers that cannot meet any of the required criteria under Group A or Group B, DEP may issue a permit with an interim allocation of water. This interim allocation volume shall be based on the most recent years of water use by the Public Water Supplier (PWS) and will be developed by DEM/OWR in consultation with DEP. Factors that will be considered in determining the interim allocation include, but are not limited to, new users, climatic conditions, a change in system operations, and new metering.

DEP will require those permitted with interim allocations to collect and submit the data needed to calculate actual water needs forecasts within four years of the permit issuance date. DEP may also require the water supplier to provide interim reports containing the required information before the regular Five Year Permit Review. Upon submittal of that information, DEM/OWR will determine whether or not the information collected and provided is sufficient and accurate enough to develop a water needs forecast for the remaining years of the permit period. If DEM/OWR develops the forecast, and it is approved by the Water Resources Commission, DEP may permit withdrawal volumes that are consistent with the forecast.

Should the water needs forecast indicate that future demand is less than those volumes used in the interim allocation, DEP will allocate volumes through a permit modification consistent with those developed in the revised forecast.

Should the water needs forecast indicate that future demand will be greater than those volumes authorized in the interim allocation, the PWS may choose to apply for a permit for the higher forecasted need. If the water needs of the PWS can be met with the interim allocation volume, they may, with DEP's approval, extend the interim allocation until the next five year period of the permit or until the expiration date for permits in that basin.

V O T E	Zimmerman moved with a second by Butler to approve the policy for developing water needs forecasts for public water suppliers (dated February 8, 2001) as amended. The vote was unanimous of those present.
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Agenda Item #5: Update on the Braintree-Weymouth Interbasin Transfer Decision

Drury reminded the WRC that on June 10, 1999, the Braintree-Weymouth Interceptor Sewer Interbasin Transfer was approved with conditions.

These were:

1. As part of the development of Interagency Agreement required by the existing Administrative Consent Order with DEP, the MWRA shall make specific recommendations to DEP on how the various parties, including the MWRA, can implement measures to reduce or eliminate sources of inflow and infiltration that will effectively reduce or avoid the

depletion of surface water resources in the Braintree-Weymouth service area. The Interagency Agreement is scheduled to be completed by July 31, 2000.

MWRA and DEP have revised the scheduled date for the Interagency Agreement to be completed as been to July 31, 2001. This delay is to allow the I/I Task Force to complete its work. Negotiations between DEP and the MWRA on the Agreement began in October 2000. As part of these negotiations, MWRA intends to make specific recommendations to DEP as required in the decision. A final report by the I/I Task Force is due in the near future.

Staff recommends that the WRC requires MWRA to report back on the recommendations made to DEP to fulfill this condition, once the Interagency Agreement is signed. If the recommendations were not adopted in the Interagency Agreements, the reasons for this must be explained.

2. The MWRA shall provide the WRC with a copy of the operation and maintenance (O & M) manual for the BWI relief facilities when it becomes available. The final manual is required by the ACO to be submitted to DEP and EPA on or before December 31, 1999. It shall also be furnished to the WRC at this time. If this deadline changes, MWRA shall immediately notify the WRC in writing of the revised deadline. The O & M manual should include a provision for identification of measures to reduce or eliminate sources of inflow and infiltration that will effectively reduce or avoid the depletion of surface water resources in the Braintree-Weymouth service area through regular television inspection of pipes. The MWRA must use this information when determining maintenance and repair activities.

The O & M manual was submitted to the WRC in November 2000, therefore Staff recommends that MWRA has complied with this condition.

3. The MWRA shall provide an assessment of the net inflow and/or outflow of water and wastewater resulting from the existing and planned delivery of water supply and wastewater disposal by MWRA. This assessment must include three years of data, representing a dry, wet and average year, for those years where MWRA water and sewer metering data are both available. These three years will be determined in consultation with DEM. The assessment shall be provided by river basin boundaries, including the subbasins of the Boston Harbor basin, as delineated by the Interbasin Transfer regulations 313 CMR 4.03, and include information on a monthly, as well as yearly basis. This information will be used by DEM to update existing river basin plans.

MWRA is completing a draft of the inflow/outflow analysis for 1997 and 1998 (wet and dry years). This is currently undergoing internal review at the MWRA. Because of the difficulty in picking an average year in which metering data exists, the analysis for an "average" year will be completed after review of the 1997 and 1998 analysis by the WRC. Staff will continue to consult with MWRA on how best to determine "average" year conditions.

4. The MWRA, as part of its participation in the regional I/I Task Force, shall work with other members of the Task Force to recommend specific strategies to develop and implement measures to reduce or eliminate sources of I/I that most effectively avoid the depletion of surface water resources or groundwater water supplies. The MWRA shall

provide quarterly updates to the WRC summarizing the status and accomplishments of the Task Force. This condition shall be in effect until such time as the Task Force has been disbanded because its work has been completed

Six quarterly reports have been provided to the WRC for the period of Task Force initiation (February 1999) to October 2000. In addition, MWRA made a presentation to the WRC at its October 2000 meeting concerning the Task Force's accomplishments. As noted above, the final report from the Task Force is nearly complete.

Staff will review the Task Force's report when issued to assure that strategies to develop and implement measures to reduce or eliminate sources of I/I that most effectively avoid the depletion of surface water resources or groundwater water supplies have been recommended.

5. The MWRA shall make known to the municipalities served by the Braintree-Weymouth Sewer Facilities that the MWRA shall provide, upon request, appropriate technical assistance on water conservation measures to these municipalities.

MWRA's public affairs staff have been in contact with all six member sewer communities in the Braintree-Weymouth sewer service area. The MWRA has worked extensively with Weymouth. MWRA has participated in two educational/ informational videos (both water and sewer) and is also bring its water and wastewater educational programs to the Weymouth schools. MWRA has been working cooperatively with Braintree, providing public education materials on water conservation and water saving plumbing fixtures. MWRA has sent out letters to the six communities reminding them of MWRA's technical assistance and water conservation programs. Copies of these letters have been provided. Staff recommends that the MWRA has complied with this condition.

Meeting adjourned